

MEMO ENDORSE

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This letter is rejected as a reply notwithstanding the Court's previous order to the parties to resolve so called Robert P. Patterson
N.Y. Bar.

N.J. Bar.

The Hon. Robert P. Patterson, Jr., U.S.D.C.J.
United States District Court For
The Southern District Of New York
Daniel Patrick Moynihan US Courthouse
500 Pearl Street,
New York City, NY 10007

November 22, 2013.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/26/13

11/25/13

Re: Anh Nguyet Tran et als v. Bank of New York now known as Bank of New York Mellon by Merger and/or Acquisition et als.
Civil Action No. 13-cv-580 (RPP)

*See attached typewritten
Memo Endorsement*

Dear Judge Patterson:

This office represents the Plaintiffs in the above referenced case. This letter is to address certain assertions that were made during legal arguments by the attorneys representing the defendants that are contrary to positions that the defendants and or their authorized representatives had assumed in courts in other present active cases and also in published documents. We felt compelled to address the court because the documents provided as exhibits with this letter were obtained by plaintiffs' attorney only after the hearing of November 5, 2013 before your honor and they contain statements, arguments and case law and by Bank of New York Mellon's attorneys in other cases that are in direct contradiction to the statements made to Your Honor during the hearing arguments. Please note that the plaintiff is not advancing the position that the duties of the Trustees are solely administrative as advanced in the said published documents that we include herewith for the court to examine. We will list the documents and point out the relevance of the same in the context of the hearing that was held before Your Honor.

We present this information of which we were not aware prior to and at the time of the hearing because we believe that the assertions made at the hearing by the defendants' attorneys are in flagrant contradiction to the positions that the defendants have publicly taken and we ask the Court to take Judicial notice of them because they are publications in the electronic net (Internet) at the web sites of the cited herein or position papers taken by the defendants through the association to which they belong to (American Bankers Association, Corporate Committee) or filings in Courts made by the defendants attorneys, by way of briefs). Let us describe each

**Case: Anh Nguyet Tran, et al. v. Bank of New York, et al.
Index No.: 13 Civ. 580 (RPP)**

MEMO ENDORSEMENT READS:

**This letter is rejected as a sur Sur Reply not authorized by the Court or
the Rules of Civil Procedure.**

So Ordered.

Robert P. Patterson, Jr., U.S.D.J., 11/26/13